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Department for
**Employment
and Learning**
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JOINT CONSULTATION DOCUMENT

PROPOSALS TO WIDEN THE POWERS OF THE GENERAL TEACHING COUNCIL FOR NORTHERN IRELAND AND EXTEND ITS REMIT TO INCLUDE THE FURTHER EDUCATION SECTOR

October 2012



Department of
Education
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Foreword

Overview

This consultation document outlines proposals to widen the disciplinary powers of the General Teaching Council for Northern Ireland, secure its independence from government and extend its remit to include the further education sector.

How to respond

The Department for Employment and Learning will be collating responses to this consultation. Please submit your response, by **18th January 2013**, to:

**Further Education Policy & Strategic Development Branch
Department for Employment and Learning
Room 203
Adelaide House
Adelaide Street
BELFAST
BT2 9FD**

E-mail: fepolicy@delni.gov.uk

When responding to this consultation, please state whether you are responding as an individual or representing the views of an organisation. If responding on behalf of an organisation, please make it clear who the organisation represents and, where applicable, how the views of members were assembled. Please see **Annex A** for a pro-forma which may assist you when responding to this consultation.

Additional copies and contact details

Additional copies of this document may be made without seeking permission. However, further printed copies of the consultation document can be obtained from the above address. An electronic version of this document can be downloaded from the Department's website at **www.delni.gov.uk**. Alternative versions of the document, i.e. braille, other languages or audio cassette will be provided upon request.

Confidentiality, Data Protection and Freedom of Information

The Department of Education (DE) and the Department for Employment and Learning (DEL) will jointly publish a summary of responses following completion of the consultation process. Your response, and all other responses to the consultation, may be disclosed on request. The Department can only refuse to disclose information in exceptional circumstances. Any automatic confidentiality disclaimer generated by your IT system will be taken to apply only to information in your response for which confidentiality has been specifically requested. **Before** you submit your response, please read the paragraphs below on the confidentiality of consultations and they will give you guidance on the legal position about any information given by you in response to this

consultation. The Department will handle any personal data you provide appropriately in accordance with the Data Protection Act 1998.

The Freedom of Information Act gives the public a right of access to any information held by a public authority, namely, the Department in this case. This right of access to information includes information provided in response to a consultation. The Department cannot automatically consider as confidential information supplied to it in response to a consultation. However, it does have the responsibility to decide whether any information provided by you in response to this consultation, including information about your identity, should be made public or treated as confidential.

This means that information provided by you in response to the consultation is unlikely to be treated as confidential, except in very particular circumstances. The Lord Chancellor's Code of Practice on the Freedom of Information Act provides that:

- the Department should only accept information from third parties in confidence if it is necessary to obtain that information in connection with the exercise of any of the Department's functions and it would not otherwise be provided;
- the Department should not agree to hold information received from third parties "in confidence" which is not confidential in nature; and
- acceptance by the Department of confidentiality provisions must be for good reasons, capable of being justified to the Information Commissioner.

For further information about confidentiality of responses please contact the Information Commissioner's Office or see the website at **www.informationcommissioner.gov.uk**. For further information about this particular consultation please contact the consulting branch as above.

A copy of the code of practice on consultations may be viewed at the following address:

www.cabinet-office.gov.uk/regulation/Consultation/Code.htm

Consultation Document

Introduction

1. The General Teaching Council for Northern Ireland (GTCNI) is a statutory, regulatory professional body, established by the *Education (Northern Ireland) Order 1998* (as amended) (the 1998 Order). Under the 1998 Order, the GTCNI is responsible for:
 - the registration of teachers;
 - the development of a code of professional values and practice for the profession; and
 - the provision of advice to the Department of Education (DE) and employing authorities, on the training, career development and performance management of teachers, standards of teaching, registration issues, standards of conduct for teachers.
2. The GTCNI has a statutory duty to determine who should be a member of the teaching profession in Northern Ireland. The 1998 Order authorises the GTCNI to establish and maintain a Register of Teachers. Registration is required for all teachers who wish to be employed in grant-aided schools, including peripatetic teachers and those in substitute/temporary positions; employing authorities are required to ensure that they only employ teachers who are registered with the GTCNI.
3. The onus for regulating teaching staff in the Further Education (FE) sector is on the Department for Employment and Learning (DEL). The regulatory powers are set out in the *Further Education Teachers (Eligibility) Regulations (Northern Ireland) 2007* (as amended).

Rationale for change

4. The GTCNI does not currently hold the complete spectrum of legislative powers, which are necessary to enable the Council to regulate the teaching profession, in an independent manner. The original stated aim of Government, when consulting on the establishment of the GTCNI in 1997, was to give the Council maximum autonomy in discharging its functions within the parameters set by legislation. The Council argues that its authority, in the eyes of teachers, other education bodies and the public, will be eroded if the Council is not fully independent of Government.
5. The disciplinary powers of the GTCNI, as provided for by the 1998 Order (as amended), provide only for the removal of teachers from the register for misconduct or serious professional incompetence. The Council has no powers to sanction disciplinary orders short of prohibition from teaching. In recognition of the need to extend the Council's disciplinary powers in this manner, amendments were consulted on and included in the Education Bill presented to the previous Assembly mandate. A new Education Bill is being taken forward without the GTCNI provisions and it is therefore necessary to accommodate the amendments under a bespoke GTCNI Bill.

6. While DEL is responsible for the regulation of the FE sector, the current legislation provides only for the setting of qualification requirements and the ability to restrict or prohibit employment on health or misconduct grounds. The current powers do not enable the FE sector to be independently regulated.
7. The increasing synergy between the two sectors to deliver the Entitlement Framework reinforces the need for a similar level of consistent, independent regulation across both workforces. DE and DEL believe that parents and the wider public are entitled to reassurance that all of those employed within the teaching professions, whether schools or institutions of further education, are subject to appropriate independent regulation and aspire to the highest professional standards.
8. Given the size of Northern Ireland and prevailing economic conditions, the creation of a separate body to regulate FE lecturers is not deemed to be either appropriate or justifiable, from a value for money perspective. The need for an autonomous body, which operates independently from government and has the appropriate powers to regulate all those employed in the teaching profession, is deemed to be both necessary and timely. This will play a vital role in delivering the Departments' key agenda, to improve quality and raise standards through the teaching/ lecturing profession.

Proposal under consultation

9. It is proposed that the existing GTCNI legislation under the 1998 Order (as amended) be repealed and replaced with a GTCNI bill, with the aim of providing independent status for the Council; the extension of its remit to include the registration of FE lecturers as a separate, distinct staff grouping in its own right; and the widening of its disciplinary powers to include disciplinary orders short of prohibition from teaching. As an independent, self funded body, the Council will charge annual registration fees.

Powers

10. In order to secure the GTCNI's future operation as a fully independent regulator for both the schools and the FE sectors, it will be necessary to amend elements of the current legislation.
11. Currently, the GTCNI has the power to:
 - establish and maintain an annual register of teachers in relation to grant-aided schools and peripatetic teachers;
 - provide advice to DE and employing authorities on the training, career development and performance management of teachers; standards of teaching; and standards of conduct for teachers;

- determine the qualification requirements for teachers; and
- set its fee rate for registration of school teachers (subject to prior consultation with DE).

Through this consultation, it is proposed to extend all these powers to the FE sector.

12. Additionally, it is proposed to amend the existing GTCNI legislation to:

- provide for the Council to investigate cases of misconduct, criminal conviction, serious professional incompetence amongst school teachers and FE lecturers, and to make disciplinary orders as appropriate; and
- provide for the independent status, associated constitution and operation of the Council.

Equality Impact Assessment

13. In line with the requirements of its Departmental Equality Scheme, DEL has conducted a Preliminary Equality Impact Assessment (PEQIA) on the proposals set out in this consultation document. As a result of this exercise, a full Equality Impact Assessment is not deemed necessary.

Consultation questions

1. Do you agree that all individuals employed as teaching staff in the schools and FE sectors in NI should be subject to independent regulation?
2. Are the proposals outlined in this consultation sufficient to secure independent regulation for FE Lecturers and school teachers?
3. It is proposed that the amendment of the GTC legislation to give the Council independence will remove some authority which the Department of Education currently has to:
 - Appoint four members to the Council;
 - Approve the appointment remuneration, and terms & conditions of employment for the Registrar to the Council; and
 - Approve governance arrangements including the accounts and Annual Report of the Council.

Are there any issues that you feel the Departments should consider in respect of the proposed change?

4. Are there any further measures you feel the Departments should consider to secure effective registration and regulation, independent of Government?
5. Are there any other factors you feel should be considered?

ANNEX A

Consultation response form

Please complete and return this form to:

**Further Education Policy & Strategic Development Branch
Department for Employment and Learning
Room 203
Adelaide House
Adelaide Street
BELFAST
BT2 9FD**

E-mail: fepolicy@delni.gov.uk

All responses should be submitted no later than 5.00pm on **18th January 2013.**

Part 1 - Respondent Information

Please complete the following information:

Name:

Address:

Email address:

Your organisation (if applicable):

Interested sector:

Schools / Further Education*

*delete as appropriate

ANNEX A

Consultation response form
cont.

Part 2 - Response to consultation

1. Do you agree that all individuals employed as teaching staff in the schools and FE sectors in NI should be subject to independent regulation?

2. Are the proposals outlined in this consultation sufficient to secure independent regulation for FE Lecturers and school teachers?

ANNEX A

Consultation response form cont.

3. It is proposed that the amendment of the GTC legislation to give the Council independence will remove some authority which the Department of Education currently has to:
- Appoint four members to the Council;
 - Approve the appointment remuneration and terms & conditions of employment for the Registrar to the Council; and
 - Approve governance arrangements including the accounts and Annual Report of the Council.

Are there any issues that you feel the Departments should consider in respect of the proposed change?

4. Are there any further measures you feel the Departments should consider to secure effective registration and regulation, independent of Government?

ANNEX A

Consultation response form
cont.

5. Are there any other factors which you feel should be considered?

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THE DEPARTMENT:

Our aim is to promote learning and skills,
to prepare people for work and to support
the economy.

This document is available in other
formats upon request.

Further information:

telephone: 028 9025 7567

email: fepolicy@delni.gov.uk

web: <http://www.delni.gov.uk/index/further-and-higher-education/further-education.htm>



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